

Patent - EVU-02-PUSA

**Following is the
“AFFIDAVIT OF THOMAS C. AMON
PURSUANT TO 37 CFR §1.131”
3 pages, dated December 13, 2004
(the Amon 2004 affidavit).**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Amon et al.)	Group Art Unit: 2153
Serial No.: 10/001,761.)	
Filed: October 31, 2001)	Examiner: Edelman, Bradley
For: Apparatus And Method For Providing)	
A Provider-Selected Message In)	
Response To A User Request For)	
User-Selected Information)	

AFFIDAVIT OF THOMAS C. AMON PURSUANT TO 37 CFR §1.131

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Thomas C. Amon, declare as follows:

1. I am a named inventor on the above-captioned United States patent application, Serial No. 10/001,761.

2. I signed an affidavit on August 6, 2002 ("my original affidavit"), which I understand was submitted to the Patent Office in this matter.

3. I have reviewed the Office Action in the above-referenced matter that was mailed on September 13, 2004 ("the Office Action"), and am signing this current affidavit in response to the Office Action.

4a. On page 3 of the Office Action, the examiner pointed out that in paragraph 7 of my original affidavit I used the word "would", and that somehow that means that I did not demonstrate the computer program. I do not understand why the examiner would say that, because my statements in my original affidavit were very clear that I did actually demonstrate the software. In any case, I will take this opportunity to clarify that I did actually demonstrate the software, and the demonstration I was referring to in my original affidavit actually did cause an HTML advertisement to appear as stated, and that the advertisement did appear for a period of time as stated, and that the user actually did receive the HTML page requested as stated. To be

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extra clear, I will restate paragraph 7 from my original affidavit here, the way that I intended for it to be read originally, and the way that I believe it should have fairly been read originally. I have highlighted the words / phrases that are clarified.

(paragraph 7 restated) The demonstration *caused* an HTML advertisement to appear on the screen in response to a user's request for an HTML page other than that of the advertisement. The advertisement *appeared* for a period of time, and thereafter *was* replaced by the HTML page that the user originally requested. Further, I *demonstrated the concept that when* (see 4b) the user submitted a second request for the same HTML page, after having already submitted the first request and after already having received the HTML advertisement in response to the first request as stated above, then the user *received* the HTML page requested and *did* not receive the advertisement page a second time.

4b. I would like to clarify the following portion of 4a.: [user submitted a second request for the same HTML page, after having already submitted the first request and after already having received the HTML advertisement in response to the first request, as stated above, then the user *received* the HTML page requested and *did* not receive the advertisement page a second time.] The concept was demonstrated by showing on the laptop, a user-requested HTML page without the interruption of an advertisement.

5. I also saw that the examiner was not satisfied with my explanation as to why I do not have the original code to submit as an exhibit. The code was continuously changing, sometimes by the hour. I did make backup copies of the code for safety, but I would overwrite the older versions with newer versions so that I would not get confused with hundreds of versions.

6. I also would like to clarify for the examiner that the non-disclosure agreement I referred to in paragraph 6 of my original affidavit and which was submitted to the Patent Office, was indeed a copy of the agreement that Ronny Haraldsvik signed.

7. Finally, I would like the examiner to know that the code was written in HTML and JAVA script. It was demonstrated in both a Netscape browser window environment and also a Windows Explorer browser environment, without any modifications to either browser.

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8. I also saw that the examiner stated that my original affidavit did not show that I established "reduction to practice". The examiner specifically stated that the claims required a computer network or a server. I do not know if the claims legally require a computer network or a server, but even if they do, I have been informed that if my demonstration demonstrated that the invention was suitable "for its intended purpose," then that would show "reduction to practice". I did test it on my internet hosting site.

9. I also saw that the examiner stated that my original affidavit did not mention a provider-selected message. That is incorrect. My original affidavit specifically stated in paragraph 7 that "an HTML advertisement" appeared on the screen in response to a user's request for an HTML page "other than that of the advertisement." The HTML advertisement is the provider-selected message, because it was selected by the provider, not by the user. The user selected the HTML page "other than that of the advertisement."

10. The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

12.13.04

Dated


Thomas C. Amon

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